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SIPDIS

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SUBJECT: (C) SPEAKER KHORAFI PREDICTS INCREMENTAL PROGRESS
ON WOMEN'S RIGHTS, IS RECEPTIVE TO MEPI COOPERATION

Classified By: AMB. RICHARD H. JONES; REASON 1.5 (D)

1. (C) SUMMARY: National Assembly Speaker Jassem al-Khorafi told the Ambassador October 6 the Government should be able to muster a majority in the Assembly, but it will only become clear after parliament reconvenes later this month whether the Assembly (elected in July) will be more or less cooperative than the previous one. Khorafi expected the Government to push women's rights incrementally, by seeking to start with voting/election rights at municipal level. He was open to the Ambassador's suggestions about MEPI cooperation, specifically regarding economic reforms and possible establishment of a parliamentary research service. He suggested that the US also consider working with parliaments on a GCC-wide basis. END SUMMARY.

2. (C) COUNTING HEADS: The Ambassador, accompanied by Pol Chief (Notetaker), met with National Assembly Speaker Jassem al-Khorafi October 6 to preview the first session of the new Assembly (elected July 5), which will begin later this month. Khorafi thought the Government could find the new Assembly "tough," though this would only become clear once the parliament was in session. The aggressive talk by some MPs during the summer recess was mainly posturing for media attention. The first message to be drawn from the election results, Khorafi said, was that the people want results, "not loud voices." He noted that 18 of the 50 elected members are new, and 6 were not in the last Assembly, though they have served prior terms. Khorafi reckoned there are now five main groups in parliament: Popular Action Bloc - 6; Islamists 10-11; Liberals - 5-6; Independents - "about 10"; pro-Government "service deputies" - "about 8." (NOTE: Political parties are forbidden, so all candidates are officially self-selected, though many enjoy overt or discreet support from de-facto parties. There are several other valid ways of categorizing MPs, and Khorafi's breakdown only totals about 40. One of the 50 elected members, Ahmed Bager, is Minister of Justice. He and the other 15 members of the Cabinet are considered ex-officio members of parliament. In order to pass legislation, the Government needs a total of 33 votes, i.e. it needs the support of 17 of the 49 elected members besides the Minister of Justice. It can generally count on the service deputies, especially if it makes clear that it really cares about a particular bill. Thus, it only needs about 10 additional votes; for bills advancing a progressive agenda, the likeliest supporters are liberals and some independents, and the most likely opponents are the Islamists and the Popular Action Bloc. END NOTE.)

3. (C) ONUS ON GOVT.: Khorafi (generally seen as a Pro-Government Independent) put the onus on the Government to show the capability and seriousness of purpose to coordinate effectively with parliament. One way to show seriousness, in his view, was for the Government to refer issues to the constitutional court when the Assembly challenged its prerogatives (i.e. rather than just shelving the issues). Khorafi predicted that if, after one or two years, Prime Minister Shaykh Sabah were to conclude the National Assembly was unmanageable, it would likely be dissolved (by the Amir, Shaykh Sabah's brother) and new elections held.

4. (C) WOMEN'S RIGHTS: The Speaker did not think women's rights would be a big political problem for the Government: if it fails to obtain passage of legislation granting women political rights, "it can say it tried its best." (COMMENT: This remark implies that Khorafi does not think the Government has much at stake in succeeding on this issue. END COMMENT.) The first test for the Government, he said, would come when the Assembly considered the Amiri decree dissolving the Municipal Council and holding up elections pending a new law currently being drafted. If parliament rejected the decree outright, that would be "an embarrassment for the Government." If it accepted the decree but inserted amendments (in the new law) not to the Government's liking, there would be no embarrassment. Khorafi said he had not seen the draft law, but understood it would change the structure of the Council, differentiate between the executive and legislative functions, and give women the same right to vote and be elected as men. He thought the Government was being "wise" to try to make incremental progress on women's rights, instead of making a frontal assault on the Islamists' strongly held view that their religion forbids giving "wilaya" (governing power, as that of a ruler or judge) to

women. He explained that whereas the National Assembly is a form of wilaya, the municipality is not, therefore the Islamists' main objection to women's rights does not apply to municipal-affairs legislation. Khorafi stressed that he always counsels against attacking traditions directly, because that only increases resistance -- it is far more effective to work around the edges quietly, gradually building up faits-accomplis that undermine resistance. He cited the example of satellite dishes, which were initially condemned as agents of moral corruption but have now become so ubiquitous that they are no longer an issue. If the Government tried to ram through full political rights for women all at once, even most of the service deputies would balk, because it would hurt them with their constituents. Starting with municipal elections was a good way to prepare the way for the future.

15. (C) OTHER CONTROVERSIAL ISSUES: Other controversial issues the Speaker cited:

-- An initiative by some MPs to increase the maximum amount of GOK-subsidized housing loans, which he predicted the Government would oppose;
-- Kuwaitization of the work-force, including stiff fines for employers who do not meet the mandatory quota of Kuwaiti employees (two percent). He explained: if a company had 3,000 employees, 60 of them should be Kuwaitis; if only 20 are Kuwaitis, the company should pay a fine of 500 Kuwaiti Dinars (about \$1,650) multiplied by the shortfall, in this case 40. The Government is now saying a reduced fine of KD 100 should apply to all the non-Kuwaiti employees, in this case 2,980. "We say the Government is doing this on purpose, to have the private sector complain and therefore kill the law."

16. (C) U.S. INTERESTS: In addition to women's rights, the Ambassador raised other US interests:

-- Allowing foreign investment in the northern oil fields. Khorafi said the only issue is whether each agreement of this type with a foreign company needs to be a separate law, as the oil companies want, or whether all those agreements can be covered under one law, which would be much less of a burden and would enable faster progress.

-- Economic reforms, including strengthening the copyright law. The Speaker said new copyright legislation should present no problem.

17. (C) MEPI: The Ambassador raised MEPI, stressing the Secretary's commitment and the new philosophy of building

SIPDIS partnerships rather than doling out aid. He proposed to work with the National Assembly on such activities as exploring Kuwaiti interest in establishing a body similar to the Congressional Research Service, explaining the intricacies of TIFA and reforms needed for the Free Trade Area to become a reality. The Speaker said "we will look at this with interest." He added that the GCC parliaments coordinate together at staff level, and encouraged the US to see how it could help. To this end, he invited the Embassy to contact the National Assembly Director General. The Ambassador accepted this suggestion, noting that MEPI has funds available for regional projects.

18. (C) FOREIGN POLICY: Khorafi raised Guantanamo (septel), the Prime Minister's visit to Washington, Iraq, the Kuwaiti missing persons from the Iraqi occupation, and Israel-Syria.

-- Prime Minister's visit: he understood it had been very successful. The Ambassador agreed, noting that he had been there. He mentioned the decision to give Kuwait Major Non-NATO Ally status, and the willingness of both sides to enter talks for a Trade and Investment Framework Agreement (TIFA) as a first step on the road to a Free Trade Area.

-- On Iraq, he urged the fastest possible transfer of authority to Iraqis. The Ambassador assured him we are hoping to reach agreement on a new UNSCR before the Madrid conference, and explained that the Kay Report has been misportrayed in the media: in fact, it documents that Saddam's regime was continuing to engage in prohibited activities.

-- Kuwaiti Missing: Khorafi remarked sadly that hopes of recovering the Kuwaiti missing alive have given way to the discovery of mass graves in Iraq. The Ambassador briefed on progress in recovering remains through the Tripartite Commission (TPC) process (at least 36 positively identified to date), and noted that the next meeting of the TPC's Technical Sub-Committee (TSC) was scheduled for October 12 in Kuwait. The Speaker pointed out that so far, none of the positively-identified remains are those of the 15-20 "heavyweight" prisoners such as Assistant Undersecretary of the Interior Yusuf Meshari. He wondered whether these

high-value captives might have been kept alive as bargaining chips. The Ambassador replied that he had held the same hope, but Saddam never tried to use them. Khorafi rejoined that the same was true of Iranian prisoners who were unacknowledged for years, then suddenly released. The Ambassador took the point, and said the question could be put to the Iraqi side at the TSC.

-- On Israel-Syria, Khorafi urged the US not to veto a UNSC Resolution condemning Israel for its attack inside Syria, as that would "make it more difficult for your friends." He asserted that Syria was "working hard on a good resolution; don't veto it." The Ambassador reminded Khorafi of the state of US-Syrian relations and pointed out that Syria has a record of refusing to work for a reasonable text, preferring to make us use our veto so as to embarrass us.

19. (C) COMMENT AND BIO NOTE: Khorafi was unopposed for re-election as Speaker after the July elections. His bottom line on the upcoming parliamentary session seems to be that if the Government tries hard enough, it can make headway, but it will have to work hard at it. He conducted the meeting entirely in English, which he speaks quite serviceably, if not always grammatically -- he seemed to understand virtually everything, and only occasionally had to fish for words.
JONES